

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

JUNGKI KIM, SP 2014-BR-047 Appl. under Sect(s). 8-305 of the Zoning Ordinance to permit a home child care facility. Located at 5308 Dunleigh Dr., Burke, 22015, on approx. 15,426 sq. ft. of land zoned R-3 (Cluster). Braddock District. Tax Map 69-4 ((14)) 129. (Decision deferred from 7/23/14.) Mr. Hammack moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on August 6, 2014; and

WHEREAS, the Board has made the following findings of fact:

1. The applicant is the owner of the land.
2. The Board has a favorable staff recommendation.
3. There were some issues that were raised at the public hearing pertaining to the plat, which have been resolved.
4. There is a development condition dealing with the alleged violation of the play equipment that will be addressed in Development Condition 12.
5. Development Condition 10 in the proposed development conditions has been deleted, and that is satisfactory, as it is redundant. The other two development conditions can be renumbered.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

If it is the intent of the Board of Zoning Appeals to approve SP 2014-BR-047 located at Tax Map 69-4 ((14)) 129 for a home child care facility pursuant to Section 8-305 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. This approval is granted to the applicant, Jungki Kim, only and is not transferable without further action of the Board, and is for the location indicated on the application, 5308 Dunleigh Drive, and is not transferable to other land.


2. This special permit is granted only for the home child care facility use indicated on the special permit plat titled "House Location, Lots 128, 129, Section 5, Dunleigh, Annandale District, Fairfax County, Virginia," prepared by John T. Monachan, certified Commonwealth of Virginia Land Surveyor of Dewberry & Davis, dated August 26, 1987 as revised on February 24, 2014, by Jungki Kim, owner, and approved with this application, as qualified by these development conditions.
3. A copy of this special permit **SHALL BE POSTED IN A CONSPICUOUS PLACE ON THE PROPERTY OF THE USE** and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. The maximum hours of operation of the home child care facility shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Friday.
5. The maximum number of children on site at any one time shall be 12, excluding the applicant's own children.
6. The dwelling that contains the child care facility shall be the primary residence of the applicant.
7. There shall be no signage associated with the home child care facility.
8. All drop-off and pick-up of child care facility children shall be conducted in the driveway of 5308 Dunleigh Drive, to preclude the pipe stem portion of the driveway.
9. The approval of the special permit use is contingent upon the continued permission of the adjoining neighbor to use the driveway.
10. The maximum number of assistants for the home child care shall be two.
11. No child care shall occur in the cellar within the subject dwelling unless and until emergency egress is permitted, installed, and inspected.
12. Within 12 months from the date of this hearing, the applicant shall either move the shed to be in compliance with the Zoning Ordinance, or apply for a separate special permit. In the interim, the shed shall be locked during the hours of the childcare operation.
13. The play equipment in the rear yard shall remain in a location in compliance with Section 10-104 of the Zoning Ordinance.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, six months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested, and an explanation of why.

Mr. Byers seconded the motion, which carried by a vote of 5-0. Mr. Beard and Mr. Smith were absent from the meeting.

A Copy Teste:

A handwritten signature in cursive script, reading "Mary D. Padrutt". The signature is written in dark ink and is positioned above a horizontal line.

Mary D. Padrutt, Deputy Clerk
Board of Zoning Appeals